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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,689	01/24/2001	Erich Harsch	82673-0005	3223

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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/767,689

Applicant(s)

HARSCH ET AL.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-130) Paper No(s) 3. 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

The specification is objected to under 37 CFR 1.71 as not clearly describing the subject matter. The specification does not clearly disclosed how the bear drives (18,19) drive spindle/nut system (20,21) and what is controlled the driven of these drives.

The disclosure is objected to because of referencing claim in the specification is improper (page 1, line 14 and page 3, lines 35-36). Appropriate correction is required.

The disclosure is objected to because of the following informalities:

“Description” (page 1, line 9) should be changed to --- “Field of the invention”---

“Prior art” (page 1, line 16) should be changed to ---“ Background of the invention”---

“Object and advantage of the invention” (page 3, line 26) should be changed to ---  
“Summary of the invention”---

“In the figures” (page 5, line 7) should be changed to ---“Brief description of the drawings”---

“Description of an exemplary embodiment” (page 5, line 16) should be changed to ---  
“Detailed description of the invention”---

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

**The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4 and 6-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 4 and 12, it is not clear of how the spindle/nut system (21) can be driven by drive (19) as discussed in specification objection above.

Regarding claims 7 and 13, it is not clear of how the spindle/nut system (20) can be driven by drive (18) as discussed in specification objection above.

**The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, there is insufficient antecedent basis for "sucker crossmember" in line 7 of claim 2 and "the circle segment" in line 3 of claim 5. Additionally, the speculative terminology such as "can be" in line 3 of claim 7 is indefinite.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Allgoewer (USPN 5,727,416). Allgoewer discloses an apparatus for transporting workpieces in a press

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comprising: an independent transporting apparatus (15) at each processing station, wherein a cross member (12) is mounted spherically in the transporting apparatus (see figure 6) by a universal joint (25).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allgoewer.

Allgoewer, has been described above, does not disclose that the crossmember can be disengaged from the transporting apparatus. However, to make parts separable, for example, for repair or adjustment purposes, would be an obvious mechanical expedient for one skilled in the art, and not a patentable distinction absent a disclosure of criticality in the solution of stated problems with the use of any specific joint construction.

Claims 2, 5 and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allgoewer in view of Harsch et al (USPN 5,582,061). Allgoewer discloses a suction device (13) on the cross member (12). Allgoewer does not disclose the suction device is mounted in a movable manner on the cross member. However, Harsch, in a similar art device, teaches a suction device unit (118,119) that is mounted in a movable manner in a crossmember (30,31) via a swivel cross (130) which is pivotably about the rotational axis of a bearing bolt (129) , wherein a circle segment (see a curve line above item 119 in figure 13b) that bear the suction device is

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guided by the guiding arms of the swivel cross .It would have been obvious to one having ordinary skill in the art the time the invention was made to provide Allgoewer's crossmember with a movable suction device as taught by Harsch to improve the transfer process in large-part multiple-die presses.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harsch et al (USPN 5,584,205), VaderZee et al (USPN 5,865,058), and Hofele et al (USPN 6,223,582) disclose similar transport system for transporting workpieces through press stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

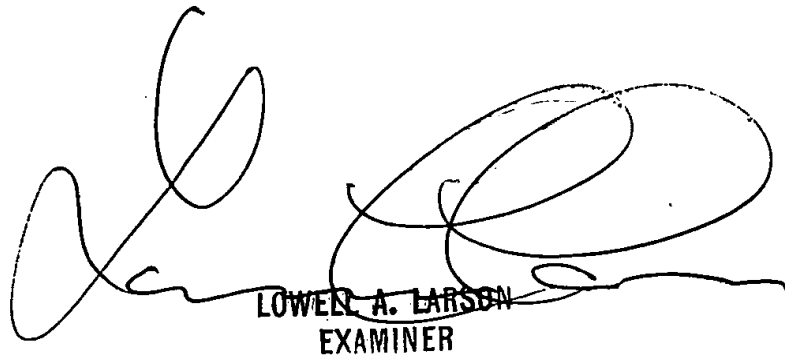
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen  
August 6, 2002



LOWELL A. LARSON  
EXAMINER